

HOUSE No. 1797**The Commonwealth of Massachusetts**

PRESENTED BY:

Linda Dorcena Forry*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Establishing A Temporary Worker's Right To Know.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Linda Dorcena Forry	12th Suffolk
Martha M. Walz	8th Suffolk
Pam Richardson	6th Middlesex
Christine E. Canavan	10th Plymouth
William Lantigua	16th Essex
Theodore C. Speliotis	13th Essex
John D. Keenan	7th Essex
Angelo J. Puppolo, Jr.	12th Hampden
Elizabeth A. Malia	11th Suffolk
Peter v. Kocot	1st Hampshire
Frank I. Smizik	15th Norfolk
Martin J. Walsh	13th Suffolk
William N. Brownsberger	24th Middlesex
Kevin G. Honan	17th Suffolk
Brian P. Wallace	4th Suffolk
Joyce A. Spiliotis	12th Essex
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Geraldo Alicea	6th Worcester
Denise Provost	27th Middlesex
John J. Binienda	17th Worcester
Carl M. Sciortino, Jr.	34th Middlesex

Christopher N. Speranzo	3rd Berkshire
Robert L. Rice, Jr.	2nd Worcester
Alice K. Wolf	25th Middlesex
Thomas M. Stanley	9th Middlesex
Allen J. McCarthy	7th Plymouth
Mary E. Grant	6th Essex
Cleon H. Turner	1st Barnstable
Lori Ehrlich	8th Essex
John W. Scibak	2nd Hampshire
Mark V. Falzone	9th Essex
Timothy J. Toomey, Jr.	26th Middlesex
Kathi-Anne Reinstein	16th Suffolk
Barbara A. L'Italien	18th Essex
Cynthia Stone Creem	First Middlesex and Norfolk
Steven J. D'Amico	4th Bristol
Garrett J. Bradley	3rd Plymouth
Anne M. Gobi	5th Worcester
Thomas A. Golden, Jr.	16th Middlesex
Carlo P. Basile	1st Suffolk
Ann-Margaret Ferrante	5th Essex
William G. Greene, Jr.	22nd Middlesex
David B. Sullivan	6th Bristol
James Dwyer	30th Middlesex
Paul McMurtry	11th Norfolk
James Arciero	2nd Middlesex
Geraldine Creedon	11th Plymouth
Danielle W. Gregoire	4th Middlesex
Marc R. Pacheco	First Plymouth and Bristol
Willie Mae Allen	6th Suffolk
John P. Fresolo	16th Worcester
Kevin Aguiar	7th Bristol
James Cantwell	4th Plymouth
Pam Richardson	6th Middlesex
Steven J. D'Amico	4th Bristol
Stephen Stat Smith	28th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING A TEMPORARY WORKER'S RIGHT TO KNOW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 46A of chapter 140 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by adding, after line 57, the following words:-

3 As used in this section, and sections 46B(b), 46P, and 46R, the terms “employee,” “employer,”
4 “employment,” “staffing agency,” and “work site employer,” shall have the meanings assigned to
5 them by section 159C of chapter 149 of the General Laws.

6 SECTION 2. Section 46B of chapter 140 of the General Laws, as so appearing, is amended by
7 adding, in line 1, after the words “Section 46B,” the following letter:- (a)

8 SECTION 3. Section 46B of chapter 140 of the General Laws, as so appearing, is amended by
9 inserting after the first paragraph the following paragraph:-

10 (b) Notwithstanding the other provisions of this chapter, a staffing agency which is excluded from
11 the definition of “employment agency” under section 46A, shall furnish in writing for each
12 employee on the date of hire the following information: (1) the name of the staffing agency and the
13 address of the staffing agency’s principal location; (2) the name of the worksite employer and the

worksite address for the employee's assignment; the kind and character of the employment, including any requirement for special attire, accessories, tools, safety equipment, or licenses and any costs charged to the employee as allowed by law; the protective equipment including personal protective equipment that will be provided at no charge by the staffing agency or worksite employer; whether the employee must receive special training as required by law; the rate of wages or compensation, including any benefits to be paid for the work and the overtime rate of pay; whether such employment is temporary; the expected duration of the work to be performed by the employee, including daily starting time, anticipated end time, and anticipated overtime, if any; a statement of the employee's right to workers' compensation benefits and the employer's workers' compensation carrier name and number; a complete and accurate description of work site hazards to which the employee may become exposed or the name of a contact person at the worksite who can provide a complete and accurate description of work site hazards to which the employee may become exposed; any meal(s) to be provided by the staffing agency or the worksite employer and the cost of such meal(s), as allowed by law, if any; the total fee to be exacted by the staffing agency from the employee, if any; and the provisions set out in this section; provided that, nothing in this paragraph shall be construed to prohibit a staffing agency from hiring an employee by telephone, but such telephone message shall comply with the disclosure requirements of this paragraph and shall be, confirmed in writing by the staffing agency and included with the employee's first paycheck or first payment of wages; a copy of such confirmation shall be kept by the staffing agency for a period of at least one year; (3) the name and address of the division of occupational safety; and (4) a receipt for every charge made by the staffing agency the employee has paid. A copy of said receipt shall be kept by the staffing agency for three years and shall be

made available for inspection by the employee, commissioner or his or her duly authorized agent or inspector, upon their request.

SECTION 4. Section 46P of chapter 140 of the General Laws, as so appearing, is amended by adding, in line 3, after the word “inclusive,” the following words:-

and each staffing agency shall post in a conspicuous place in such agency a copy of section 46B (b).

SECTION 5. Chapter 140 of the General Laws is amended by inserting after section 49R the following section:-

Section 46S. Exemptions of Certain Staffing Agencies

Staffing agencies are exempt from complying with the provisions of sections 46B(b) and 46P of this chapter if their employees are placed in jobs that pay an hourly wage that is equal to or greater than three times the minimum wage as set forth in section 1 of chapter 151 of the General Laws, or notwithstanding the hourly wage, place all of their employees in jobs designated by the North American Industry Classification System, Revisions for 2002 as Professional, Scientific, or Technical Services, 541.